

1979 WL 42834 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

MARCH 2, 1979

***1 TO: W. E. JENKINSON, III, ESQUIRE**

SUBJECT: Mobile Homes

(1) Pursuant to [§ 31-17-320 of the 1976 Code](#), a county may not require a mobile home owner who has not purchased his mobile home within the preceding fifteen (15) days or brought the mobile home into the State of South Carolina in the preceding fifteen (15) days to obtain a license.

(2) Under [§ 31-17-320 of the 1976 Code](#), the individual counties are charged with the duty of enacting a mobile home licensing program and enforcing the penalties thereof.

(3) With the enactment of 1978 Act No. 576, all other mobile home licensing provisions are repealed by implication unless legislative intent to the contrary is shown.

Law Offices of Jenkinson and Jenkinson

QUESTIONS:

(1) Can the county require owners of all mobile homes in the county to initially purchase a license in the year 1979, whether or not the mobile home was relocated or there was a transfer of ownership involved?

(2) Must the county enact an ordinance designating the licensing agent and any other particulars such as a penalty for violating the provisions of the mobile home licensing requirements?

(3) Are all other mobile home licensing provisions repealed by the Act?

STATUTES AND CASES:

Code of Laws of South Carolina, § 31-17-20 (1976);

[Code of Laws of South Carolina, § 31-17-320 \(1976\);](#)

[Code of Laws of South Carolina, § 31-17-330 \(1976\);](#)

[Code of Laws of South Carolina, § 31-17-340 \(1976\);](#)

[Laird v. Nationwide Insurance Company](#), 243 S.C. 388, 134 S.E.2d 206 (1964);

[McCollum v. Snipes](#), 213 S.C. 254, 49 S.E.2d 12 (1948);

[City of Spartanburg v. Blalock](#), 232 S.C. 252, 75 S.E.2d 361 (1953);

[Independence Insurance Company v. Independent Life and Accident Insurance](#), 218 S.C. 22, 61 S.E.2d 399 (1950).

DISCUSSION:

No. 1

The enactment of the 1978 Acts No. 576 completely rewrote Article 3 of Title 31 Chapter 17 regarding the licensing of Mobile Homes as defined in § 31-17-20 of the 1976 Code of Laws of South Carolina. The new license requirements, [§ 31-17-320](#), details when a mobile home is required to be licensed. No mention is made as to the licensing of a mobile home already in the State or a mobile home the ownership of which has not been transferred in the preceding fifteen (15) days. Under the old provisions of Article 3, Title 31, Chapter 17, a mobile home license was valid for a period of one (1) year ([SEE § 31-17-330 of the 1976 Code](#)). Therefore, the result of the new [§ 31-17-320](#), in light of the 1976 licensing provision [§ 31-17-330](#), is that the licenses under the old provision will expire within one (1) year and the new provision does not mandate that all mobile homes initially be licensed in the calendar year 1979; only those mobile homes purchased or transferred into the State within the preceding fifteen (15) days.

Under general statutory construction principles, when the meaning of a statute is unclear, one can look to the purpose of the act and deduce the meaning of a particular section from the import of the act as a whole. Legislative intent will be examined to give meaning to an otherwise ambiguous section. Here, we are not necessarily dealing with an ambiguous section. Instead, there is an absence of any mention as to the licensing of mobile homes that have not been recently purchased or recently moved into the State of South Carolina. The courts will when necessary interpret the meaning of a statute using legislative purpose and legislative intent as a guide. However, when the terms of a statute contain no ambiguity, there is no room for construction of the statute, and the courts will not read a meaning into the statute. [McCullom v. Snipes](#), 213 S.C. 254, 49 S.E.2d 12 (1948).

*2 In the case at hand, the legislature was silent as to the licensing of mobile homes already in the State and mobile homes not purchased within the preceding fifteen (15) days. There is no indication that the rewriting of Article 3, Chapter 17, Title 31 intended to set forth a broader licensing requirement than provided for in [§ 31-17-330](#). This interpretation is in compliance with the new licensing period set out in [§ 31-17-340](#); the new licensing period being from the time of licensing until the ownership of the mobile home is transferred or until the mobile home is relocated.

Perhaps the initial licensing of all mobile homes in the calendar year 1979 would promote uniformity and ensure that all necessary information regarding the mobile home is obtained, but such a provision must come by way of legislative enactment. In construing the statute, the courts cannot read into a statute something not manifest by the intentions of the legislature as gathered from the statute itself. [Laird v. The Nationwide Insurance Co.](#), 243 S.C. 388, 134 S.E.2d 206 (1964).

No. 2

As provided in [§ 31-17-320](#), persons required to obtain a license must do so from the governmental body of the county or its designated agent. [Section 31-17-340](#) states that all fees collected shall go to the general fund of the particular county involved. Therefore, it would seem that the county as the entity receiving the benefits of this licensing provision should be the party charged with implementing and enforcing the provisions; including the enforcement of the penalty clause as provided in [§ 31-17-400](#) and the designation of the licensing agent.

No. 3

As provided for in § 2 of the 1978 Act No. 576, all previous special acts are repealed. This repeal provision applies only to the special county provisions set out under the old Article 3, and not to all previous mobile home licensing provisions. As mentioned above, 1978 Act No. 576 completely rewrote Article 3 and added additional sections. Generally, repeal by implication is not

avored. [City of Spartanburg v. Blalock](#), 232 S.C. 252, 75 S.E.2d 361 (1953). However, as set forth in [Independent Insurance Companies v. Independent Life and Association Insurance](#), 218 S.C. 22, 61 S.E.2d 399 (1950).

Where the latter of two acts covers the whole subject matter of the earlier one, not purporting to amend it and plainly showing that it was intended to be a substituted for the earlier act, the latter act will operate as the repeal of the earlier one.

From this, it is the opinion of this Office that the legislature intended Article 3 as enacted by 1978 Act No. 576 to be the only provisions governing the licensing of mobile homes.

CONCLUSIONS:

(1) A county may not require a mobile home owner who has not purchased his mobile home within fifteen (15) days or transferred his mobile home into the State of South Carolina within the preceding fifteen (15) days to obtain a license.

(2) The individual counties are charged with the duty of the licensing program and enforcing the penalties thereof.

***3** (3) All other licensing provisions were repealed by Act No. 576 of 1978, by implication, unless legislative intent to the contrary is shown.

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